

STATUTORY CHECKLIST [§58.35(a) activities]**for Categorical Exclusions and Environmental Assessments**

Note: Review of the items on this checklist is required for both Categorical Exclusions under Sec. 58.35(a) and projects requiring an Environmental Assessment under Sec. 58.36. If no compliance with any of the items is required, a Categorical Exclusion [58.35(a)] may become "exempt" under the provisions of Sec. 58.34 (a) (12). In such cases attach the completed Statutory Checklist to a written determination of the exemption. Projects requiring an Environmental Assessment under Sec. 58.36 cannot be determined to be exempt even if no compliance with Statutory Checklist items is found. Three items listed at Sec. 58.6 are applicable to all projects, including those determined to be exempt.

Project Name and Identification No. Owner-Occupied Rehabilitation and Rebuilding Program
(026-1846) 3 Marsh Rd. Westport, CT 06880

Area of Statutory or Regulatory Compliance	Not Applicable to This Project	Consultation Required*	Review Required*	Permits Required*	Determination of consistency Approvals, Permits Obtained*	Conditions and/or Mitigation Actions Required	Documentation and Comments
Document Laws and authorities listed at 24 CFR Sec. 58.5							
1. Historic Properties [58.5(a)] [Section 106 of NHPA]		X					House requires consultation with the State Historic Preservation Office (SHPO) prior to the start of work. SHPO determination pending (see attachment 11). Construction will not begin until Standard Treatments necessary to mitigate potential adverse effects to historic properties are completed to the satisfaction of SHPO (if necessary).
2. Floodplain Management [58.5(b)] [Ex Or 11988] [24 CFR 55]				X			Property is inside of floodplain zone AE (associated with the 100 year flood). See attachment 1, Flood Insurance Rate Map (FIRM) Number 09009C0551G from FEMA at https://msc.fema.gov .
3. Wetland Protection [58.5 (b)]				X			Property is within FWS designated estuarine and marine wetland per The United States Fish and Wildlife Services (USFWS) at http://www.fws.gov/wetlands/Data/Mapper.html and the Town of Westport GIS. (see attachments 2 and 3) Project requires approval from Westport Conservation Commission and Flood and Erosion Control Board.
4. Coastal Zone Management [58.5(c)]			X				Property within coastal zone (see attachment 4). The project will require a Coastal Site Plan Review due to the proximity to tidal wetlands.
5. Water Quality -- Aquifers [58.5(d)] [40 CFR 149]	X						Property not located within an aquifer protection area according to map obtained from CT Environmental Condition Online at http://www.cteco.uconn.edu/map_catalog.asp?town=158 (see attachment 5). This project does not involve on-site water and/or sewer facilities.
6. Endangered Species [58.5(e)] [16 U.S.C. 1531 et seq.]					X		Property is located in NDDB area but the project is not on a sandy beach with waterfront (see attachment 6). According to the FWS Natural Resources of Concern report, there are no critical habitats and there are no wildlife refuges within the property. The Red Knot bird is a threatened species possibly

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							within the vicinity of the property (see attachment 12).
7. Wild and Scenic Rivers [58.5 (f)] [16 U.S.C. 1271 et seq.]	X						Property location is greater than one mile from a wild and scenic river (Eightmile River).
8. Air Quality [58.5(g)] [42 U.S.C. 7401 et seq.]	X						The project is a residential rehabilitation with no anticipated quantifiable increase in air pollution.
9. Farmland Protection [58.5(h)]	X						This project is in an urban residential area, there is no landuse conversion, and work will be confined to the existing building footprint.
Manmade Hazards 10 A. Thermal Explosive [58.5(i)]	X						Project will not add density.
10 B. Noise [58.5(j)]	X						Project is restoration of structure substantially as it existed prior to Superstorm Sandy.
10 C. Airport Clear Zones [58.5 (k)]	X						Property not located in airport clear zone (see attachment 8).
10 D. Toxic Sites [58.5 (l)(2)(i)]			X				Project is not listed on the EPA Superfund National Priorities or CERCLA lists or equivalent State list. Landfill is located greater than 3,200 feet away. The property is not known or suspected to be contaminated by toxic chemicals or radioactive materials.
11. Environmental Justice [58.5(l)]	X						The property is not located in a minority or low-income population neighborhood.
Document Laws and authorities listed at Sec. 58.6 and other potential environmental concerns							
12 A. Flood Insurance [58.6(a) & (b)]			X				Flood Insurance will be required and maintained for a minimum of five years.
12 B. Coastal Barriers [58.6(c)]	X						Property is not located in Coastal Barrier Resources System. See attachment 8 that was found on CT ECO at http://cteco.uconn.edu/map_catalog.asp .
12 C. Airport Clear Zone Notification [58.6(d)]	X						Project does not involve the purchase or sale of a property as such 24 CFR 58.6(d) is not applicable.
13 A. Solid Waste Disposal [42 U.S.C. §3251 et seq.] and [42 U.S.C. 6901-6987 et seq.]	X						Construction debris must be brought to Westport Transfer Station on Sherwood Island Connector or approved location. The project involves raising the house and replacing most of the building exterior. As this is a small single family house, sufficient capacity should be available at the transfer station or other approved location to accept the demolition wastes.

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13 B. Fish and Wildlife [U.S.C. 661-666c]	X						The project will not result in impounding, diverting, deepening, channelizing or modification of any stream or body of water. The project is not a water control project.
13 C. Lead-Based Paint [24 CFR Part 35] and [40 CFR 745.80 Subpart E]						X	Lead was found during field testing on 7/1/2014. See attached report (attachment 14). Compliance will include notification and removal of lead hazards.
13 D. Asbestos						X	Asbestos was found during field testing on 7/1/2014. See attached report (attachment 15). Compliance will include notification and removal of asbestos hazards.
13 E. Radon [50.3 (i) 1]	X						Radon testing is not required as this house is to be elevated and will be provided with an unenclosed space below.
13 F. Mold						X	Mold was found during field testing on 7/1/2014. See attached report (attachment 16). Compliance will include notification and removal of mold hazards.
Other: State or Local 14 A. Flood Management Certification [CGS 25-68]				X			Property is located inside the Flood Zone AE, which is associated with the 100 yr flood zone. See attachment 1, Flood Insurance Rate Map (FIRM) Number 09009C0551G from FEMA at https://msc.fema.gov . Requires General Permit for CDBG-DR program activities with DEEP. See Appendix B Professional Certification Form (attachment 13).
14 B. Structures, Dredging & Fill Act [CGS 22a-359 to 22a-363f]		X					Coastal jurisdiction line passes through property. (see attachment 10) Project will require certificate of permission from Office of Long Island Sound Programs.
14 C. Tidal Wetlands Act [CGS 22a-28 to 22a-35]			X				Property is within FWS designated estuarine and marine wetland per The United States Fish and Wildlife Services (USFWS) at http://www.fws.gov/wetlands/Data/Mapper.html and the Town of Westport GIS. (see attachments 2 and 3) Project requires approval from Westport Conservation Commission and Flood and Erosion Control Board.
14 D. Local inland wetlands/watercourses [CGS 22a-42]			X				Property is within FWS designated estuarine and marine wetland per The United States Fish and Wildlife Services (USFWS) at http://www.fws.gov/wetlands/Data/Mapper.html and the Town of Westport GIS. (see attachments 2 and 3) Project requires approval from Westport Conservation Commission and Flood and Erosion Control Board.
14 E. Various municipal zoning approvals			X				House located in zone A per the town GIS zoning map (see attachment 9). The existing lot and house do not conform to zoning regulations. Variances may be required prior to starting work.

DETERMINATION:

☐ This project converts to Exempt, per §58.349a(12), because it does not require any mitigation for compliance with any listed statutes or authorities, nor requires any formal permit or license. Funds may be drawn down for this (now) EXEMPT project; OR

- ☒ This project cannot convert to Exempt because one or more statutes/authorities requires consultation or litigation. Complete consultation/mitigation requirements, publish NOI/ROF and obtain Authority to Use Grant Funds (HUD 7015.16) per §58.70 and 58.71 before drawing down funds; OR
- ☐ The unusual circumstances of this project may result in a significant environmental impact. This project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

Prepared by:

Name:



05.12.15

Date

Responsible Entity or designee Signature:

Hermia Delaire, CDBG-DR Program Manager



5/12/2015

Date